

### **REMARKS**

Claims 1 to 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Kikushima, et al., JP10-163440, in the Office Action mailed on December 2, 2003.

Claims 1 and 4 have been amended to provide that the second electrical conductor or the inlaid interconnection is in physical contact with the drain regions and the first interconnection.

In the Office Action it is stated that, "this second electrical conductor (15) is in electrical contact with electrode 18 and source/drain region." (p. 5, line 6).

This is also described in the present specification, for example, as the electrical interconnection L1 in FIG. 1. One of the features of the present invention is the physical structure of the second electrical conductor (L1) or of the inlaid interconnection, namely, the second electrical conductor or inlaid interconnection is in physical contact with the drain regions and the first interconnection. The second electrical conductor or inlaid interconnection is formed in the opening which exposes drain regions and the first interconnection and is formed in the interlayer insulating film, whereas the second electrical conductor 15 in Kikushima et al. is only a contact plug connecting the diffusion layer and the lower electrode, and the conductor 15 does not directly connect drain regions and the first interconnection.

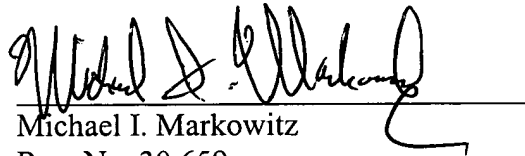
### **CLOSING**

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that independent claims 1 and 4 are in condition for allowance, as well as those claims dependent therefrom. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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Enclosure: Amended Fig. 3(b)

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